

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

v.

**DECISION AND ORDER**

19-CR-125-A

CHARLES WASHINGTON,

Defendant.

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This case was referred to Magistrate Judge Jeremiah J. McCarthy pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings. On February 11, 2020, the Magistrate Judge filed a Report, Recommendation and Order (Dkt. No. 242) that recommends that defendant Charles Washington's motion to dismiss Counts 1 and 2 of the Superseding Indictment (Dkt. No. 161) be denied. Defendant Washington filed objections to the recommendations and partially appealed a denial of his motion for a bill of particulars (Dkt. No. 343), the United States responded (Dkt. No. 349), and the defendant replied (Dkt. No. 369).

The Court deemed the matter submitted on July 24, 2020. Pursuant to 28 U.S.C. § 636(b)(1)(B), the Court must make a *de novo* determination of those portions of a report and recommendation to which objections have been made. Upon *de novo* review it is hereby

**ORDERED** that the motion to dismiss of defendant Washington (Dkt. No. 161) is denied for the reasons stated in the Report, Recommendation and Order (Dkt. No. 242).

The Court has carefully considered the defendant's objections, and finds them to be without merit, and it is further

**ORDERED** that the Magistrate Judge's denial of defendant Washington's motion for a bill of particulars in the Report, Recommendation and Order (Dkt. No. 242) is affirmed pursuant to 28 U.S.C. § 636(b)(1)(A) because the denial was neither clearly erroneous nor contrary to law.

**IT IS SO ORDERED.**

*s/Richard J. Arcara*  
HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: July 29, 2020